

REMARKS/ARGUMENTS

Claims 1 and 3 to 8 are pending. No claims are allowed.

Independent Claims 1, 3 and 7 have been amended to reflect the atomically ordered walls forming mesopores as noted in the Office Action. This is described, for instance at page 17, lines 9 and 16; page 20, line 25; page 25, line 12 and page 27, line 15 of the specification. With this limitation the present invention is distinguished over the prior art.

Enclosed is a Third Declaration Under 37 CFR 1.132 with attachment A for the second Declaration. Attachment A should be read in the context of the Second Declaration Under 37 CFR 1.132.

Claims 1 and 3 to 8 were rejected under 35 USC 103(a) as being unpatentable over the two Gonzalez-Pena et al references. It is believed that the Declarations Under 37 CFR 1.132 overcome this rejection along with the amendments to the independent Claims 1, 3 and 7.

Claims 1 and 3 to 8 were rejected under 35 USC 103(a) over Pinnavaia et al (U.S. Patent No. 6,027,706). The claims now call for the atomically ordered walls forming mesopores as in the Second Declaration Under 37 CFR 1.132. Thus the composition

as claimed was different than Pinnavaia et al '706.  
Reconsideration is requested.

Claims 1 and 3 to 8 were rejected under 35 USC 103(a) as being unpatentable over the process of Bagshaw et al. This paper resulted from early work by Dr. Pinnavaia's group. The processing period for the gel was too short (16 hours) for the formation of the claimed composition and the walls are amorphous. Reconsideration is requested.

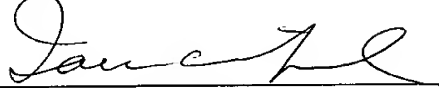
Claims 1 and 3 to 8 were rejected under 35 USC 103(a) as unpatentable over Vaudry et al. This material does not have atomically ordered walls as claimed (See Figure 2 of this reference). Reconsideration of this rejection is requested.

Claims 1 and 3 to 8 were rejected as unpatentable over Kolenda et al. Very little of the composition shows a tetrahedral co-ordination which is characteristic of crystalline structures as shown by the Examples and as claimed. Reconsideration is requested.

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Amdt. Dated: January 22, 2004  
Reply to Office Action of 10/22/2003

It is now believed that Claims 1 and 3 to  
8 are in condition for allowance. Notice of  
Allowance is requested.

Respectfully,

A handwritten signature in dark ink, appearing to read "Ian C. McLeod", written over a horizontal line.

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Enclosure: Third Declaration Under 37 CFR 1.132